

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHONG T. DUONG and OANH T. PHAM,

Defendants.

8:17CR312

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court on the government's Motion for Preliminary Order of Forfeiture (Filing No. 56). The Court has carefully reviewed the record in this case and finds as follows:

1. On June 28, 2019, defendant Oanh T. Pham ("Pham") pled guilty to Count IV of the Indictment and admitted the Forfeiture Allegation. Count IV of the Indictment charged Pham with trafficking fish and wildlife in violation of state law, in violation of 16 U.S.C. § 3372(a)(2)(A), 16 U.S.C. § 3373(d)(2) and 18 United States Code § 2.

2. On June 28, 2019, defendant Phong T. Duong ("Duong") pled guilty to Count I of the Indictment and admitted the Forfeiture Allegation. Count I of the Indictment charged Duong with conspiracy to commit Lacy Act violations, in violation of 18 United States Code § 371.

3. The Forfeiture Allegation of the Indictment sought forfeiture, pursuant to 16 U.S.C. § 3374(a)(2), of any property and equipment used to aid in the transporting, selling, receiving, or acquiring fish and wildlife.

4. Based on Pham and Duong's guilty pleas and admission, Pham and Duong forfeited their interest in a Crestliner Fishing Boat, Nebraska registration NB024ST (more particularly described as being 16 feet in length with a Hull Identification Number ("HIN") NOR84816D202), which included the following equipment in, attached to, or part of the Boat (the "Property"):

- an Eagle Tri-finder fish locator - Serial Number 10804248;
- a Humminbird 404SX fish locator with mount - Serial Number 7085332;
- a Lowrance Xl35 Sonar with mount - Serial Number 103056490;
- a 75 Horsepower Mercury Four-stroke outboard motor - Serial Number 0T447190;
- a bow-mounted electric trolling motor; and
- a Yacht Club Model R1818 single axle, boat trailer, bearing identification number 4H100191910293703, last known bearing Nebraska license plate number XLR 727.

5. Pursuant to Federal Rule of Criminal Procedure 32.2(b)(3), 28 U.S.C. § 2461, and 21 U.S.C. § 853, the Court's Order authorizes the Attorney General (or a designee) to seize the specific property subject to forfeiture.

6. The government's Motion for Preliminary Order of Forfeiture should be granted.

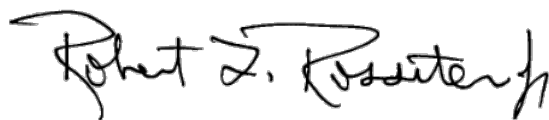
IT IS ORDERED:

1. The government's Motion for Preliminary Order of Forfeiture (Filing No. 56) is granted.
2. Based upon the Forfeiture Allegation of the Indictment, Pham and Duong's guilty plea and admission, the government is hereby authorized to seize the Property.

3. Pham and Duong's interest in the Property is hereby forfeited to the government for disposition in accordance with the law, subject to the provisions of 16 U.S.C. § 3374, 28 U.S.C. 2461, and 21 U.S.C. § 853.
4. The Property is to be held by the government in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the Property in such manner as the Attorney General may direct, and notice that any person, other than Pham and Duong, having or claiming a legal interest in any of the subject Property must file a petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. The published notice shall state the petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the petitioner's interest in the Property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the Property and any additional facts supporting the petitioner's claim and the relief sought.
7. The government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the Property as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 28th day of August 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Robert F. Rossiter, Jr.", with a stylized flourish at the end.

Robert F. Rossiter, Jr.
United States District Judge